
ENGROSSED SUBSTITUTE SENATE BILL 5363

State of Washington 60th Legislature 2008 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senator Jacobsen)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to using traffic safety cameras on certain arterial
2 streets; amending RCW 46.63.170; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** It is the intent of the legislature that
5 this act increase the tools available to the state's largest urban area
6 to increase pedestrian and driver safety. More than six hundred
7 pedestrians have been killed on Washington state streets and roadways
8 in the past eight years. The city of Seattle experiences more than
9 four hundred collisions involving pedestrians each year, and an average
10 of six pedestrian fatalities a year. Excessive driver speed is often
11 cited as a factor in traffic fatalities.

12 The state's largest urban area is encouraged to use traffic safety
13 cameras for the purpose of detecting speeding violations at locations
14 with the highest pedestrian, bicycle, and vehicular traffic accident
15 history.

16 **Sec. 2.** RCW 46.63.170 and 2007 c 372 s 3 are each amended to read
17 as follows:

1 (1) The use of automated traffic safety cameras for issuance of
2 notices of infraction is subject to the following requirements:

3 (a) The appropriate local legislative authority must first enact an
4 ordinance allowing for their use to detect one or more of the
5 following: Stoplight, railroad crossing, or school speed zone
6 violations, or speed violations on arterial streets in cities with a
7 population over five hundred thousand only. At a minimum, the local
8 ordinance must contain the restrictions described in this section and
9 provisions for public notice and signage. Cities and counties using
10 automated traffic safety cameras before July 24, 2005, are subject to
11 the restrictions described in this section, but are not required to
12 enact an authorizing ordinance.

13 (b) Use of automated traffic safety cameras is restricted to two-
14 arterial intersections, railroad crossings, ~~((and))~~ school speed zones,
15 and arterial streets in cities with a population over five hundred
16 thousand only.

17 (c) Automated traffic safety cameras may only take pictures of the
18 vehicle and vehicle license plate and only while an infraction is
19 occurring. The picture must not reveal the face of the driver or of
20 passengers in the vehicle.

21 (d) A notice of infraction must be mailed to the registered owner
22 of the vehicle within fourteen days of the violation, or to the renter
23 of a vehicle within fourteen days of establishing the renter's name and
24 address under subsection (3)(a) of this section. The law enforcement
25 officer issuing the notice of infraction shall include with it a
26 certificate or facsimile thereof, based upon inspection of photographs,
27 microphotographs, or electronic images produced by an automated traffic
28 safety camera, stating the facts supporting the notice of infraction.
29 This certificate or facsimile is prima facie evidence of the facts
30 contained in it and is admissible in a proceeding charging a violation
31 under this chapter. The photographs, microphotographs, or electronic
32 images evidencing the violation must be available for inspection and
33 admission into evidence in a proceeding to adjudicate the liability for
34 the infraction. A person receiving a notice of infraction based on
35 evidence detected by an automated traffic safety camera may respond to
36 the notice by mail.

37 (e) The registered owner of a vehicle is responsible for an
38 infraction under RCW 46.63.030(1)(e) unless the registered owner

1 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
2 car business, satisfies the conditions under subsection (3) of this
3 section. If appropriate under the circumstances, a renter identified
4 under subsection (3)(a) of this section is responsible for an
5 infraction.

6 (f) Notwithstanding any other provision of law, all photographs,
7 microphotographs, or electronic images prepared under this section are
8 for the exclusive use of law enforcement in the discharge of duties
9 under this section and are not open to the public and may not be used
10 in a court in a pending action or proceeding unless the action or
11 proceeding relates to a violation under this section. No photograph,
12 microphotograph, or electronic image may be used for any purpose other
13 than enforcement of violations under this section nor retained longer
14 than necessary to enforce this section.

15 (g) All locations where an automated traffic safety camera is used
16 must be clearly marked by placing signs in locations that clearly
17 indicate to a driver that he or she is entering a zone where traffic
18 laws are enforced by an automated traffic safety camera.

19 (h) If a county or city has established an authorized automated
20 traffic safety camera program under this section, the compensation paid
21 to the manufacturer or vendor of the equipment used must be based only
22 upon the value of the equipment and services provided or rendered in
23 support of the system, and may not be based upon a portion of the fine
24 or civil penalty imposed or the revenue generated by the equipment.

25 (2) Infractions detected through the use of automated traffic
26 safety cameras are not part of the registered owner's driving record
27 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
28 by the use of automated traffic safety cameras under this section shall
29 be processed in the same manner as parking infractions, including for
30 the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and
31 46.20.270(3). However, the amount of the fine issued for an infraction
32 generated through the use of an automated traffic safety camera shall
33 not exceed the amount of a fine issued for other parking infractions
34 within the jurisdiction.

35 (3) If the registered owner of the vehicle is a rental car
36 business, the law enforcement agency shall, before a notice of
37 infraction being issued under this section, provide a written notice to
38 the rental car business that a notice of infraction may be issued to

1 the rental car business if the rental car business does not, within
2 eighteen days of receiving the written notice, provide to the issuing
3 agency by return mail:

4 (a) A statement under oath stating the name and known mailing
5 address of the individual driving or renting the vehicle when the
6 infraction occurred; or

7 (b) A statement under oath that the business is unable to determine
8 who was driving or renting the vehicle at the time the infraction
9 occurred because the vehicle was stolen at the time of the infraction.
10 A statement provided under this subsection must be accompanied by a
11 copy of a filed police report regarding the vehicle theft; or

12 (c) In lieu of identifying the vehicle operator, the rental car
13 business may pay the applicable penalty.

14 Timely mailing of this statement to the issuing law enforcement
15 agency relieves a rental car business of any liability under this
16 chapter for the notice of infraction.

17 (4) Nothing in this section prohibits a law enforcement officer
18 from issuing a notice of traffic infraction to a person in control of
19 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
20 (b), or (c).

21 (5) For the purposes of this section, "automated traffic safety
22 camera" means a device that uses a vehicle sensor installed to work in
23 conjunction with an intersection traffic control system, a railroad
24 grade crossing control system, or a speed measuring device, and a
25 camera synchronized to automatically record one or more sequenced
26 photographs, microphotographs, or electronic images of the rear of a
27 motor vehicle at the time the vehicle fails to stop when facing a
28 steady red traffic control signal or an activated railroad grade
29 crossing control signal, or exceeds a speed limit (~~(in a school speed~~
30 ~~zone)~~) as detected by a speed measuring device.

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